

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK RAHNER,)
)
Plaintiff,)
)
vs.) No. 2:12-cv-00880-JCC
)
THE SEATTLE TIMES COMPANY,)
)
a Delaware corporation,)
)
Defendant.)

Videotaped Deposition Upon Oral Examination of
MARK WILLIAM RAHNER

Thursday, May 23, 2013
1201 Third Avenue, Suite 2200
Seattle, Washington

REPORTED BY: Michelle E. Diskin, RPR
CCR 2657

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20 Also Present:

21 Jason Neuerburg, Videographer
22 Suki Dardarian
23
24
25

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1 Seattle, Washington; Thursday, May 23, 2013

2 9:07 a.m.

3 -----

4 THE VIDEOGRAPHER: We are on the record. Today 09:07:20AM

5 is Wednesday, May 23rd, 2013. The time is now 9:07 a.m. 09:07:22AM

6 The location of today's deposition is 1201 Third Avenue, 09:07:30AM

7 Suite 2200 in Seattle, Washington, 98101. My name is 09:07:35AM

8 Jason Neuerburg, video specialist representing Seattle 09:07:41AM

9 Deposition Reporters in Seattle, Washington. Cause number 09:07:46AM

10 2:12-cv-00880-JCC, entitled Mark Rahner versus The Seattle 09:07:49AM

11 Times Company. The deponent today is Mark Rahner. The 09:08:01AM

12 deposition is requested by defense counsel. 09:08:05AM

13 Will counsel please identify themselves for the 09:08:09AM

14 record. 09:08:11AM

15 MS. SULLIVAN WEISS: Sheehan Sullivan Weiss 09:08:12AM

16 representing The Seattle Times Company. 09:08:14AM

17 MR. LINN: Sage Linn representing Mark Rahner. 09:08:16AM

18 MS. DIMOTTA: Caitlin Dimotta representing Mark 09:08:22AM

19 Rahner. 09:08:24AM

20 MS. SULLIVAN WEISS: And Devin Smith 09:08:25AM

21 representing The Seattle Times Company will also be

22 attending the deposition. 09:08:26AM

23 THE VIDEOGRAPHER: The court reporter today is 09:08:28AM

24 Michelle Diskin with the firm of Seattle Deposition 09:08:29AM

25 Reporters. 09:08:33AM

1 Q. Was Susan a reporter on the evening shift? 09:16:11AM

2 A. She is a reporter who like the rest of the 09:16:16AM

3 reporter staff has had to fill in on the evening shift. 09:16:21AM

4 Q. So, she occasionally fills in on the evening 09:16:26AM

5 shift; is that correct? 09:16:30AM

6 A. Yes, like everybody else on the reporting 09:16:31AM

7 staff. 09:16:33AM

8 Q. Okay. What did she tell you about the evening 09:16:36AM

9 shift? 09:16:39AM

10 A. Well, essentially what I just said, which is 09:16:39AM

11 that it's a difficult, stressful job to begin with, but 09:16:42AM

12 it's gotten worse since I left because of the addition of 09:16:47AM

13 the social media requirements. 09:16:51AM

14 Q. What is Susan's normal or regular role as a 09:16:57AM

15 reporter? 09:17:02AM

16 A. I don't know what her general job description 09:17:04AM

17 is apart from reporter. But I believe she's been working 09:17:09AM

18 on the newspaper's magazine recently. 09:17:13AM

19 Q. Okay. You said that you and Miss Kelleher were 09:17:18AM

20 friends? 09:17:25AM

21 A. Uh-huh. 09:17:25AM

22 Q. How long have you been friends? 09:17:26AM

23 A. Let's see. I started at the newspaper in '99, 09:17:28AM

24 I believe, so since not too long after that. 09:17:32AM

25 Q. Did you and Miss Kelleher have a romantic 09:17:39AM

1 think could be considered a disability. I also had some 09:26:06AM
2 fairly severe anxiety issues, but I don't think anyone 09:26:09AM
3 counted that as a proper disability. I had been suffering 09:26:13AM
4 from debilitating anxiety attacks that combined with the 09:26:18AM
5 chronic fatigue to make it somewhat difficult to function 09:26:22AM
6 at times. 09:26:27AM

7 Q. So, my question -- I'll ask it again -- are you 09:26:27AM
8 basing your claim on any other disability other than 09:26:30AM
9 chronic fatigue syndrome, your legal claim? 09:26:34AM

10 A. I'm not sure how to answer that. Can I -- 09:26:42AM

11 MR. LINN: I'm going to object to the extent 09:26:45AM
12 that it calls for a legal conclusion. 09:26:46AM

13 A. Because there were other factors in play, 09:26:51AM
14 including the debilitating anxiety, so that plays a role 09:26:53AM
15 in what we're talking about, but the CFS is the main issue 09:26:58AM
16 at hand. 09:27:02AM

17 Q. So, is it fair to say, then, that the chronic 09:27:02AM
18 fatigue was the overarching disability concern that you 09:27:07AM
19 had? 09:27:10AM

20 A. Yes.

21 Q. When were you diagnosed with chronic fatigue 09:27:13AM
22 syndrome? 09:27:16AM

23 A. Well, I came down with it in May or -- 09:27:17AM

24 Q. Let me interrupt you for a second. I want to 09:27:22AM
25 know when you were diagnosed with chronic fatigue. 09:27:25AM

1 Q. So, you don't know whether he diagnosed you 09:42:38AM
2 with anxiety disorder or not? 09:42:40AM
3 A. I don't know that he did. But it was the 09:42:43AM
4 reason we were talking. 09:42:45AM
5 Q. Okay. So, let's talk about your employment at 09:42:48AM
6 The Seattle Times. If I have this right, you started at 09:43:03AM
7 The Times, was it, in 1999? 09:43:09AM
8 A. That sounds right. 09:43:12AM
9 Q. What role did you start at? 09:43:17AM
10 A. I believe I started by doing freelance and then 09:43:21AM
11 I was a temporary employee and then I was hired on full 09:43:26AM
12 time as the pop culture writer. 09:43:32AM
13 Q. When did that occur that you were hired full 09:43:35AM
14 time? 09:43:39AM
15 A. I think 2000. 09:43:40AM
16 Q. Do you recall the date that your employment 09:43:44AM
17 ended? 09:43:47AM
18 A. The date that it ended? It would have been 09:43:47AM
19 January 2011. 09:43:51AM
20 Q. So, I want to focus on the last five years, 09:43:53AM
21 your last five years at The Times. Okay? 09:43:56AM
22 A. Okay. 09:43:59AM
23 Q. So, that would be 2005 through 2010. 09:44:00AM
24 A. Okay. 09:44:04AM
25 Q. What positions did you hold at The Times 09:44:05AM

1	between 2005 and 2010?	09:44:08AM
2	A. I was a pop culture writer still until they	09:44:11AM
3	disappeared the features department and then I moved to	09:44:15AM
4	Metro news for the last two years, roughly two years.	09:44:20AM
5	Q. So, from 2005 until 2008 you were in features?	09:44:26AM
6	A. That sounds about right.	09:44:33AM
7	Q. And you were the pop culture writer; is that	09:44:34AM
8	right?	09:44:38AM
9	A. Correct.	09:44:38AM
10	Q. Then you moved to Metro in 2008. Do you	09:44:38AM
11	remember when in 2008?	09:44:42AM
12	A. Not exactly.	09:44:43AM
13	Q. What were the circumstances of your move to	09:44:45AM
14	Metro?	09:44:47AM
15	A. As I just said, they disappeared the features	09:44:47AM
16	department.	09:44:50AM
17	Q. How many reporters were there in the features	09:44:51AM
18	department at the time you moved over to Metro?	09:44:54AM
19	A. I don't know the exact number.	09:44:56AM
20	Q. Approximately?	09:44:57AM
21	A. I'd just be guessing because some took a	09:45:04AM
22	buy-out, some retired, some moved over to Metro. I	09:45:10AM
23	couldn't say.	09:45:14AM
24	Q. You think there were maybe 10 reporters in that	09:45:15AM
25	department?	09:45:18AM

1 A. In that territory maybe. 09:45:18AM

2 Q. When you say they disappeared features -- 09:45:24AM

3 A. They eliminated the department. They were 09:45:28AM

4 downsizing the newsroom. 09:45:31AM

5 Q. What was your understanding of the reason for 09:45:35AM

6 downsizing the newsroom in 2008? 09:45:38AM

7 A. Well, the whole newspaper industry has been in 09:45:41AM

8 a downward spiral. They were having financial 09:45:43AM

9 difficulties, like every other newspaper. 09:45:47AM

10 Q. Was the move -- let me strike that. 09:45:53AM

11 Was the elimination of the features department 09:45:58AM

12 part of a larger reduction in force or something where 09:46:01AM

13 people lost their jobs at that time? 09:46:06AM

14 A. I believe so. It was an ongoing process of 09:46:08AM

15 shrinkage. 09:46:11AM

16 Q. So, you didn't lose your job in 2008, correct? 09:46:13AM

17 A. No. 09:46:16AM

18 Q. You moved over to the Metro desk in 2008? 09:46:17AM

19 A. Correct. 09:46:22AM

20 Q. Is that the right terminology, the Metro -- 09:46:22AM

21 A. Close enough, sure. 09:46:25AM

22 Q. What do you call it? 09:46:26AM

23 A. Metro news, Metro desk, news. 09:46:28AM

24 Q. Were there other of your colleagues from the 09:46:32AM

25 features desk that moved over to the Metro desk with you? 09:46:35AM

1 A. Some. 09:46:40AM
2 Q. Two, three? 09:46:41AM
3 A. At least two that I can think of, possibly more 09:46:44AM
4 than that. 09:46:49AM
5 Q. Did the features reporters that were being 09:46:50AM
6 reassigned, were they reassigned to desks other than 09:46:53AM
7 Metro? 09:46:58AM
8 A. I think one wound up someplace else in the 09:47:02AM
9 building, the magazine, possibly. The rest they scared 09:47:07AM
10 off. 09:47:13AM
11 Q. I'm sorry? 09:47:14AM
12 A. The rest they scared off. 09:47:14AM
13 Q. So, for each -- well, let me strike that. 09:47:20AM
14 So, in 2008 you moved over to the Metro desk 09:47:24AM
15 and you held the same title; is that correct? 09:47:28AM
16 A. Well, I wasn't the pop culture writer anymore 09:47:30AM
17 because there was no pop culture coverage. I was a 09:47:33AM
18 general assignment reporter in news after that. 09:47:38AM
19 Q. Okay. So, you considered your title to be pop 09:47:41AM
20 culture reporter prior to moving to the Metro desk? 09:47:45AM
21 A. I didn't "consider" it. That's what it was. 09:47:48AM
22 Q. Then your title, when you moved over to the 09:47:51AM
23 Metro desk, was general assignment reporter? 09:47:53AM
24 A. Correct. 09:47:56AM
25 Q. What was your rate of pay at the time that you 09:47:57AM

1 were in features? 09:48:01AM

2 A. I don't know exactly, but it was somewhere in 09:48:04AM

3 the territory of 52 or \$53,000 a year and that didn't 09:48:06AM

4 change. There were no substantial raises for quite some 09:48:11AM

5 time because of the financial environment that was causing 09:48:15AM

6 the downsizing. 09:48:18AM

7 Q. So, when you moved over to the Metro desk from 09:48:19AM

8 features, your pay stayed the same? 09:48:22AM

9 A. Yes.

10 Q. Were you on a day shift in features? 09:48:29AM

11 A. There were no set hours because, you know, 09:48:33AM

12 there were nighttime reviews of things and it was mainly a 09:48:38AM

13 matter of everybody knowing what their work was and 09:48:42AM

14 handing it in on time. So, there were no formal shifts 09:48:47AM

15 because we were treated like adults. 09:48:51AM

16 Q. When you moved over to the Metro desk as a 09:48:54AM

17 general assignment reporter, were you assigned to a shift? 09:48:58AM

18 A. Yeah, that was more rigid. The shift 09:49:01AM

19 technically was 9 to 5 or 6. 09:49:07AM

20 Q. Okay. Who was your manager in features? 09:49:17AM

21 A. They changed. There were quite a few of them. 09:49:21AM

22 The one when I left -- who was the one when I left? It 09:49:23AM

23 might have been Lynn Jacobson when I left, but there was 09:49:28AM

24 kind of a revolving door there. 09:49:32AM

25 Q. When you moved over to the Metro desk, who 09:49:34AM

1 became your supervisor? 09:49:37AM

2 A. Matt Kreamer. 09:49:38AM

3 Q. Did you report to anybody other than Matt 09:49:39AM

4 Kreamer? 09:49:41AM

5 A. He was my immediate editor. 09:49:41AM

6 Q. What was the role that Mr. Higgins played? 09:49:44AM

7 A. He was Kreamer's supervisor. 09:49:46AM

8 Q. Do you know what his title was? 09:49:51AM

9 A. Not exactly. He was a Metro news editor, is, 09:49:56AM

10 was. 09:50:01AM

11 Q. Okay, so, generally speaking, can you describe 09:50:04AM

12 for me the difference between doing features work and 09:50:08AM

13 general assignment Metro work in your experience. 09:50:11AM

14 A. That's a pretty broad question. Can you be any 09:50:14AM

15 more specific than that because it's a different universe 09:50:17AM

16 entirely. 09:50:20AM

17 Q. Tell me about how in your view it's a different 09:50:20AM

18 universe. 09:50:23AM

19 A. Well, features involved doing interviews, 09:50:25AM

20 reviews, a lot of critic work, a lot of writing about 09:50:34AM

21 events that were going on, books, movies, comic books, 09:50:43AM

22 comedy, you know, pop culture, what we generally 09:50:48AM

23 understand as pop culture, anything that involved that. I 09:50:51AM

24 was kind of a jack-of-all-trades and staff nerd, I guess. 09:50:57AM

25 In news, however, it was just a matter of 09:51:03AM

1 covering straight news. It was fairly straightforward. 09:51:06AM

2 Although I did, however, continue to do some of the kind 09:51:12AM

3 of Q-and-A interviews that I had done while I was the pop 09:51:15AM

4 culture writer. And in fact, I had -- well, go ahead. 09:51:20AM

5 Q. Go on. 09:51:27AM

6 A. I had done a number of other things as well, 09:51:29AM

7 including, you know, trying to try some innovative video 09:51:31AM

8 work, doing some short satirical videos for The Times 09:51:38AM

9 website at a time when I hadn't seen any of that from 09:51:48AM

10 other newspapers. So, it wasn't a hundred percent 09:51:49AM

11 straight news, but that was mainly what the job was, and 09:51:55AM

12 the other things were primarily on my own initiative. 09:51:58AM

13 Q. "The other things" meaning the Q-and-A 09:52:01AM

14 interviews, the video work, and the -- I guess the 09:52:04AM

15 Q-and-As and the video work? 09:52:08AM

16 A. Yes.

17 Q. So, with the features work, when you say you're 09:52:13AM

18 doing interviews and reviews, are these things that you're 09:52:18AM

19 generating the ideas for wanting to go out and do a review 09:52:20AM

20 of a convention or a new movie or is it something that 09:52:25AM

21 somebody's telling you that you need to go do? 09:52:30AM

22 A. It's a mixture of both. I generally would be 09:52:32AM

23 aware of what was going on and generate my own ideas, but 09:52:35AM

24 the information and suggestions went back and forth 09:52:39AM

25 between the writers and the editors. 09:52:41AM